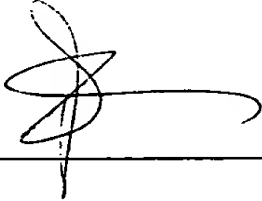




**CERTIFICATE OF MAILING
(PATENT APPLICATION)**

Express Mail No. EV306400092US
Deposited: March 4, 2004

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By: 

Application of: Daryle Lee Petersen

Application No.: 09/945,472

Filing Date: August 30, 2001

Title: Convection Enhanced Delivery Catheter to Treat Brain and Other Tumors

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Transmitted herewith are the following documents:

- ☒ Transmittal Form PTO/SB/21
- ☒ Fee Transmittal Form in Duplicate
- ☒ Information Disclosure Statement
- ☒ IDS Form PTO/SB/08A
- ☒ Copy of Cited Reference
- ☒ Certificate of Express Mail
- ☒ Return Receipt Postcard

Attorney Case No.: 011738.00015



03 - 05 - 04

3763 \$

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/945,472	
	Filing Date	August 30, 2001	
	First Named Inventor	Daryle Lee Petersen	
	Group Art Unit	3763	
	Examiner Name	Catherine Serke	
Total Number of Pages in This Submission		Attorney Docket Number	11738.00015

ENCLOSURES (check all that apply)					
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO/SB/08A 1 Cited Reference Certificate of Express Mail Return Receipt Postcard			
<table border="1"><tr><td>Remarks</td><td rowspan="2">The Commissioner is hereby authorized to charge any additional fee or credit any overpayment of fee to Deposit Account 19-0733.</td></tr><tr><td></td></tr></table>			Remarks	The Commissioner is hereby authorized to charge any additional fee or credit any overpayment of fee to Deposit Account 19-0733.	
Remarks	The Commissioner is hereby authorized to charge any additional fee or credit any overpayment of fee to Deposit Account 19-0733.				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William J. Allen Banner & Witcoff, Ltd.
Signature	<i>William J. Allen</i> 51,393
Date	March 4, 2004

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
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PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

Complete if Known

Application Number 09/945,472
Filing Date August 30, 2001
First Named Inventor Daryle Lee Petersen
Examiner Name Catherine Serke
Art Unit 3763
Attorney Docket No. 11738.00015

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

19-0733

Deposit
Account
Name

Banner & Witcoff, LTD.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	0		0
Independent Claims	Extra Claims	Fee from below	Fee Paid
	0		0
Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 180

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	William J. Allen	Registration No. (Attorney/Agent)	51,393	Telephone	312-463-5000
Signature	<i>William J. Allen</i>	Date	March 4, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



4-12

PATENT

Handwritten initials

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 11738.00015)

In the Application of:

Daryle Lee Petersen

Serial No. 09/945,472

Filed: August 30, 2001

For: CONVECTION ENHANCED DELIVERY
CATHETER TO TREAT BRAIN AND
OTHER TUMORS

Group Art Unit: 3763

Examiner: Catherine Serke

Confirmation No. 3236

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. 1.97 and 1.98, the Applicant wishes to make the references listed on the enclosed completed Form PTO/SB/08A of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. 1.56. Copies of the references cited are enclosed.

This Information Disclosure Statement is being filed after receipt of a First Office Action. Accordingly, a fee of \$180.00 is required. The Commissioner is authorized to charge our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD

By: *William J. Aller*

William J. Aller
Reg. No. 51,393

Dated: March 4, 2004

Banner & Witcoff, Ltd.
10 S. Wacker Dr.
Suite 3000
Chicago, IL 60606
(312) 463-5000

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